

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Case No. 2:21-CR-04026-BCW
)	
DAMIEN MICHAEL ROTTER,)	
)	
Defendant.)	

ORDER

Before the Court is Magistrate Judge Epps' Report and Recommendation (Doc. #32) denying Defendant Rotter's Motion to Suppress (Doc. #21). Defendant filed objections (Doc. #35) to the Report and Recommendation. After an independent review of the record, the applicable law, and the parties' arguments, the Court adopts Magistrate Judge Epps' findings of fact and conclusions of law.

Magistrate Judge Epps found that the officers who stopped Defendant's vehicle had reasonable suspicion to believe a traffic violation had occurred. The Court additionally finds that Officer Phelps' reasonable suspicion that Defendant's vehicle failed to stop at the stop sign was based on his training and experience, and more specifically, that "the momentum [the vehicle] carried into the intersection," and "the fact that the nose wasn't lifting as it went through the intersections means that it wasn't accelerating hard." (Transcript, Doc. #31, p. 7-8). Accordingly, the Court finds the stop was based on "specific and articulable facts." Terry v. Ohio, 392 U.S. 1, 21 (1968). Based on the foregoing, it is hereby

ORDERED for the reasons stated in the Report and Recommendation (Doc. #32), Defendant's Motion to Suppress (Doc. #21) is DENIED. It is further

ORDERED that Magistrate Judge Epps' Report and Recommendation be attached to and made part of this Order.

IT IS SO ORDERED.

DATED: January 13, 2022

/s/ Brian C. Wimes
JUDGE BRIAN C. WIMES
UNITED STATES DISTRICT COURT